

REMARKS

Claims 1, 4, 6, and 13 - 22 are all the claims presently pending in the Application. Claims 2-3 have been cancelled and claims 13-22 have been added.

It is noted that any claim amendments are made to merely clarify the language of each claim, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claim 6 stands rejected under 35 USC 112, second paragraph; claim 1 (combined with claims 2-3) stands rejected under 35 USC 102(e) as being anticipated by Ono; claim 4 stands rejected under 35 USC 103(a) as being unpatentable over Ono in view of Garakani; and claim 6 stands rejected under 35 USC 103(a) as being unpatentable over Ono in view of Olafsson.

The rejections are respectfully traversed in view of the following discussion.

THE 35 USC 112, SECOND PARAGRAPH REJECTION

Claim 6 has been amended to remove the reference to cancelled claim 11.

THE REJECTION TO ONO

The Examiner alleges claims 1-3 are anticipated by Ono. Applicant has combined claims 2-3 into claim 1 and therefore will respond to this rejection collectively

as a rejection to current claim 1.

The Examiner has alleged that Ono anticipates the claimed invention. However, Ono's disclosure describes a network exchange on a VOIP network between a G.3 facsimile state and a "super G3" facsimile state by suppressing the ANS/ANSam signal and the CM signals and does not teach or suggest the claimed method and system that uses ANS/ANSam signals and CM signals to transition modes in a gateway between voice, data, and facsimile for transmission across a packet network.

In paragraph 10 of the Office Action (OA), the Examiner alleges that Para 0060 and 0061 of Ono discloses "if the originating gateway detects a V.8 Cm signal prior to expiration of the ANS or ANSam signals, then identifying, by the originating gateway, the CM call function as either a data modem CM signal from the originating modem or a facsimile CM signal from the originating modem, as recited in claim 1 (formerly claim 3 now combined into claim 1). This is respectfully incorrect because these paragraphs of Ono do not teach or suggest transitioning from a voice mode to a data mode, using the CM signal to transition from a voice mode to a voice or facsimile mode, or using the CM signal received from the local modem linked to the gateway to transition from a voice mode to a facsimile or data mode. Instead, Ono discloses the standard V.8 recommendation sequence whereby the CM signal is used to initiate the negotiation of connection of speeds for a facsimile mode between the calling side and the called side. Paragraph 0061 is merely a description of what a CM signal itself consists of, which is already known in the art. No identifying of the signal as a facsimile or data transmission is disclosed. Here, Ono has no teaching or suggestion of any procedure to switch

between a voice to data mode using a CM signal or facsimile and data mode using a CM signal. Only setup procedures for a V.34 facsimile transmission from the prior V.8 recommendations are described. Ono fails to disclose "identifying, by the originating gateway, the CM call function as either a data modem CM signal from the originating modem or a facsimile CM signal from the originating modem," as recited in claim 1.

The Examiner further alleges that Ono discloses if the CM call function is the data modem CM signal, transitioning the originating gateway into an LLMR processing state if the CM call function is the modem CM signal, as recited in claim 1. In paragraphs 0068-0069, Ono discloses a transition from super G3 facsimile mode to G3 facsimile mode: "the recommendation does not include a method to go back to a standard G3 communication (phase B) after only the calling-mode fax terminal switches to the super G3 fax mode as such," which is the problem addressed by Ono. Ono's method then blocks the V.21 CM or the ANSam signal at the called side. Ono's method of blocking the CM signal or ANSam signal clearly teaches against the present invention of using the ANS/ANSam signal and CM signal to determine when a gateway should switch processing modes from LLMR or to V.34 facsimile modes. Thus, there is no teaching or suggestion of "if the CM call function is the data modem CM signal, transitioning the originating gateway into an LLMR processing state if the CM call function is the data modem CM signal, and if the CM call function is the facsimile CM signal, preparing the originating modem to support a V.34 facsimile protocol," as recited in claim 1.

THE REJECTION TO GARAKANI

The Examiner states that Ono fails to teach "disabling said CM detector when said termination of the communication of said ANS or said ANSam signal is identified" by the originating gateway as recited in claim 4 and that Garakani discloses the claimed feature. However, Garakani fails to make up for Ono. Paragraphs 63, 68, and 70 of Garakani are concerned with maximizing the compression rate for voice between the two endpoints using the "second pass" method:

"At 1000 the second-pass negotiation for end-to-end compression parameters...occurs that results in maximal and compatible data compression between the modems."

The goal of Garakani is to find the maximum data compression rate when transitioning into modem relay mode so that voice samples can be transmitted faster to each modem. Paragraph [0068] of Garakani refers to paragraph [0067] where a signal suppression between modems is performed to prepare the modems for a V.34 protocol modem relay mode. This does not teach or suggest claim 4, that has been amended to reflect the specification, paragraph [0039] that states the embodiment transitions into a non-V.34 facsimile relay when the ANS/ANSam signals are terminated. A V.34 protocol with the Garakani method is clearly not compatible with the claimed non-V.34 protocol, thus there is no teaching or suggestion for "transitioning said originating gateway to the non-V.34 facsimile relay processing mode of operation when a non-V.34 facsimile relay indication is received from said answering modem over said packet network.," as recited in claim 4.

THE OLAFSSON REFERENCE

The Examiner alleges Ono would have been combined with Olafsson to teach claim 6. However, Olafsson would not have been combined with Ono because Olafsson discloses a "quick reconnect" or "quick startup" method for two modems using V.8/V.8 bis protocol and can use a request signal CRe to inform ADPCM that the DPCM supports the quick connect features. (Olafsson, col. 11, L. 48-67) This is merely a re-connection of the link between two modems when the connection has been severed: "it would also be desirable to reduce the reconnection time between the same modem devices in response to a temporary disconnect or a temporary pause in the data communication." (C. 3, L. 1-4) However, the present invention teaches using a V.8bis CRe tone to convey to the originating modem from the answering modem to suppress the voice path and then to re-establish the voice path when the tone terminates. Olafsson does not teach or suggestion transitioning between a voice mode, a data mode, and a facsimile mode state or even using the V.8bis tone to suppress the voice path. Thus, there is no teaching or suggestion of the claimed "transitioning said answering gateway to a data mode using an LLMR processing operation when an LLMR indication is received from the originating-side gateway," and "transitioning said answering gateway to a V.34 facsimile processing mode of operation when said V.34 facsimile relay indication is received from the originating-side gateway."

Based on the foregoing, Applicant respectfully requests the Examiner reconsider and withdraw the rejections. Applicant submits that the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for

Application No. 10/029,847
Reply to Office Action Mailed 4/21/06

allowance. The Examiner is respectfully requested to pass the above Application to issue at the earliest possible time.

The Commissioner is hereby authorized to charge any fees associated with this communication to Client's Deposit Account No. 20-0668.

Respectfully submitted,



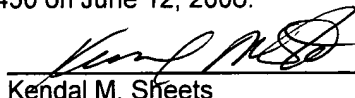
Kendal M. Sheets, Reg. No. 47,077

Joseph J. Zito, Reg. No. 32,076

Customer No. 23494

Local Phone: (301) 601-5010

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 12, 2006.


Kendal M. Sheets

6/12/06
Date